

1 PERKINS COIE LLP
2 Paul S. Jasper, Bar No. 200138
3 Amir Gamliel, Bar No. 268121
4 Angie Young Kim, Bar No. 270503
5 505 Howard Street, Suite 1000
6 San Francisco, CA 94105
7 Telephone: 415.344.7000
8 Email: PJasper@perkinscoie.com
9 Email: AGamliel@perkinscoie.com
10 Email: AngieKim@perkinscoie.com

11 Andrew H. Sherman (admitted pro hac vice)
12 Boris I. Mankovetskiy (admitted pro hac vice)
13 SILLS CUMMIS & GROSS P.C.
14 One Riverfront Plaza
15 Newark, New Jersey 07102
16 Telephone: 973.643.7000
17 Email: ASherman@sillscummis.com
18 Email: BMankovetskiy@sillscummis.com

19 *Co-Counsel to the WHC Liquidation Trust*

20 **UNITED STATES DISTRICT COURT**
21 **NORTHERN DISTRICT OF CALIFORNIA**
22 **SAN JOSE DIVISION**

23 JEREMY ROSENTHAL, as Liquidation
24 Trustee of the WHC LIQUIDATION TRUST,

25 Plaintiff,

26 v.

27 HALSEN HOLDINGS, LLC, a California
28 limited liability company; SOUTH TEXAS
ASSOCIATES & RESOURCES, a California
corporation; PENINSULA HEALTHCARE
MANAGEMENT LLC, a Nevada limited
liability company; DANIEL BROTHMAN, an
individual; EDITH BROTHMAN, an individual;
STACY SEAN FOWLER, an individual;
EDMUND C. KING, an individual; and DOES
1 through 100, inclusive,

29 Defendants.

30 Case No. 5:23-cv-06216-PCP

31 **RULE 26(f) REPORT AND
32 DISCOVERY PLAN**

33 Complaint Filed: December 1, 2023

34 Trial Date: None

35 Judge: Hon. P. Casey Pitts

36 Case Management Conference:

37 Hearing Date: May 16, 2024

38 Hearing Time: 1:00 p.m. (Pacific Time)

39 Place: Robert F. Peckham Federal
40 Building & United States
Courthouse
41 280 South 1st Street,
42 Courtroom 8, Fourth Floor
43 San Jose, CA 95113

1 Pursuant to Fed. R. Civ. P. 26(f), counsel to the parties in the above captioned case
 2 (“Parties”), Plaintiff Jeremy Rosenthal (“Plaintiff”) and Defendants Halsen Holdings, LLC, South
 3 Texas Associates & Resources, Peninsula Healthcare Management LLC, Daniel Brothman, Edith
 4 Brothman, Stacy Sean Fowler, and Edmund C. King (“Defendants”), met and conferred on
 5 April 12, 2024 and April 15, 2024, regarding the nature and basis for the claims and defenses
 6 alleged in this case, as well as the topics outlined in this report and discovery plan:

7 1. **Initial Disclosures:** The Parties shall exchange their Initial Disclosures on or before
 8 May 3, 2024. The Parties have agreed not to exchange substantive documents at this time.

9 2. **Subjects of Discovery:** The Parties anticipate engaging in discovery on the issues
 10 set forth in the complaint filed by Plaintiff (Dkt. No. 1).

11 3. **Discovery:** No formal discovery requests have been served to date. The Parties have
 12 agreed to a temporary stay of formal discovery, aside from serving initial disclosures and voluntary
 13 production of relevant documents, in an effort to facilitate a mediation of this case. The Parties
 14 hope to have selected a mediator prior to the upcoming May 16, 2024 case management conference
 15 and schedule mediation to occur by no later than August 31, 2024. Aside from serving initial
 16 disclosures, the Parties have agreed to delay the commencement of formal discovery through the
 17 May 16, 2024 case management conference to allow the Parties to focus on selecting a mediator
 18 and mediation date, and engaging in informal discovery, in the interim. If, prior to the case
 19 management conference, the Parties are able to schedule a mediation to occur on or before
 20 August 31, 2024, the Parties will meet and confer on targeted informal discovery aimed at
 21 facilitating a successful mediation.

22 If, as of the case management conference, no mediation has been scheduled, the Parties
 23 shall have no further restrictions on engaging in formal discovery and shall meet and confer on a
 24 revised scheduling order regarding formal discovery deadlines. If, as of May 17, 2024, no such
 25 mediation has been scheduled, the Parties shall exchange substantive documents relevant to initial
 26 disclosures on or before May 31, 2024 and may proceed with formal discovery. If, at any point, a
 27 party has concluded in good faith that a mediation will not occur before August 31, 2024, or if a
 28 mediation of this case has occurred, but has not resulted in a settlement, such party may give written

1 notice thereof to the other parties, and the Parties shall exchange substantive documents relevant to
2 initial disclosures within 14 days after such written notice is provided, and may proceed with formal
3 discovery. The Parties have discussed a stipulated e-discovery order and do not view it as necessary
4 at this time.

5 **4. Electronically Store Information (“ESI”):** The Parties have reviewed the ESI
6 Guidelines and met and conferred on April 15, 2024, regarding reasonable and proportionate steps
7 to preserve relevant evidence. Counsel to the Parties represent that their clients have been instructed
8 to preserve relevant communications and documents connected to this litigation. As noted above,
9 the Parties do not view a stipulated e-discovery order as necessary at this time.

10 **5. Privilege:** The Parties acknowledge that they must disclose on a privilege log any
11 information they withhold from production based on privilege or work product protection.

12 **6. Pre-Trial Motions:** At this time, there are no motions pending and the Parties do
13 not anticipate filing any motions prior to mediation, subject to unanticipated findings through each
14 party’s investigation of the claims.

15 **7. Modification:** This agreement may be modified by an agreement signed by the
16 Parties or by the Court for good cause shown.

17 **8. Trial Date:** In light of the Parties’ agreement to mediate this case prior to engaging
18 in formal discovery, the Parties are not requesting that a trial date, or related discovery deadlines
19 be set at this time. However, the Parties request that the Court set a continued case management
20 conference in approximately 30 days, at a date and time convenient to the Court, so that the Parties
21 can report on progress towards mediation or, if a mediation date has not been set, request that the
22 Court set deadlines for discovery, designation of experts, hearing of dispositive motions, pretrial
23 conference, and trial.

24

25

26

27

28

1 DATED: April 26, 2024

PERKINS COIE LLP

2

3

By: /s/ Paul S. Jasper

Paul S. Jasper, Bar No. 200138
PJasper@perkinscoie.com
505 Howard Street, Suite 1000
San Francisco, CA 94105
Telephone: 415.344.7000

4

5

Counsel to Plaintiff
Jeremy Rosenthal, as Liquidation
Trustee of the WHC Liquidation Trust

6

7

8

9 DATED: April 26, 2024

KAUFMAN DOLOWICH, LLP

10

11

12

By: /s/ Tad A. Devlin

Tad A. Devlin, Bar No. 190355
tdevlin@kaufmandolowich.com
425 California Street, Suite 2100
San Francisco, CA 94104
Telephone: 415.926.7600

13

14

15

16

17

18

19

20

Attestation Pursuant to Civil Local Rule 5-1(i)(3)

21

22

23

24

25

26

27

28

I, Paul S. Jasper, attest that concurrence in the filing of this document has been obtained from any other signatory to this document.

Dated: April 26, 2024

/s/ Paul S. Jasper

Paul S. Jasper, Bar No. 200138